

The opinion in support of the decision being entered today was **not** written for publication and is **not** binding precedent of the Board.

Paper No. 27

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte CONRAD YU

Appeal No. 2002-1768
Application 08/846,196

ON BRIEF

Before WARREN, WALTZ and LIEBERMAN, *Administrative Patent Judges*.

WARREN, *Administrative Patent Judge*.

Decision on Appeal and Opinion

We have carefully considered the record in this appeal under 35 U.S.C. § 134, including the opposing views of the examiner, in the answer, and appellant, in the brief, and based on our review, find that we cannot sustain the rejection of appealed claims 1 through 10, 12 through 20 and 22 through 26,¹ all of the claims in the application, under 35 U.S.C. § 103(a) as being unpatentable over Ohki et al., Cook et al. and Gotoh et al. (Gotoh).²

We find that, when considered in light of the written description in the specification as interpreted by one of ordinary skill in this art, *see, e.g., In re Hyatt*, 211 F.3d 1367, 1372, 54 USPQ2d 1664, 1667 (Fed. Cir. 2000); *In re Morris*, 127 F.3d 1048, 1054-55, 44 USPQ2d 1023,

¹ See the amendments of September 27, 1999 (Paper No. 7).

² Answer, pages 3-6.

1027 (Fed. Cir. 1997), *In re Zletz*, 893 F.2d 319, 321-22, 13 USPQ2d 1320, 1322 (Fed. Cir. 1989), the plain language of appealed independent claim 1 requires “rinsing the wafer with an acetic acid solution *immediately* after etching to stop further etching and preventing uneven etching” (emphasis supplied). It is clear from the specification that the term “immediately” has its customary dictionary meaning of “[w]ithout intermediary; directly; . . . [w]ithout delay.”³

The dispositive issue in this appeal is whether one of ordinary skill in this art would have found in Gotoh a teaching to rinse the etched wafer with an acetic acid solution *immediately* after the etching step. It is well settled that a reference stands for all of the specific teachings thereof as well as the inferences one of ordinary skill in this art would have reasonably been expected to draw therefrom, *see generally, In re Fritch*, 972 F.2d 1260, 1264-65, 23 USPQ2d 1780, 1782-83 (Fed. Cir. 1992), presuming skill on the part of this person. *In re Sovish*, 769 F.2d 738, 743, 226 USPQ 771, 774 (Fed. Cir. 1985).

We have carefully considered the teachings of Gotoh in light of the positions advanced by the examiner (answer, pages 4, 5, 6, 7-8 and 8-9) and appellant (brief, pages 7-8). Based on the entire disclosure of the reference, we find no disclosure therein, including the passages upon which the examiner relies, that would have provided one of ordinary skill in this art with the teaching or inference that the etched wafer was rinsed with an acetic acid solution immediately after the etching step. Indeed, as disclosed by Gotoh, there is at least one step (e.g., col. 2, lines 3-6), if not two steps (e.g., col. 5, lines 13-22), between the etching step and the application of the acetic acid solution in a rinsing step.

³ *The American Heritage Dictionary, Second College Edition* 643 (Boston, Houghton Mifflin Company, 1982)

The examiner's decision is reversed.

Reversed

CHARLES F. WARREN
Administrative Patent Judge

THOMAS A. WALTZ
Administrative Patent Judge

PAUL LIEBERMAN
Administrative Patent Judge

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John P. Wooldridge

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